

1 DORSEY & WHITNEY LLP
2 J. Michael Keyes (SBN 262281)
3 *keyes.mike@dorsey.com*
4 Connor J. Hansen (*pro hac vice*)
5 *hansen.connor@dorsey.com*
6 Dylan J. Harlow (*pro hac vice*)
7 *harlow.dylan@dorsey.com*
8 701 Fifth Avenue, Suite 6100
9 Seattle, WA 98104
10 Telephone: 206.903.8800
11 Facsimile: 206.903.8820

7 DORSEY & WHITNEY LLP
Kent J. Schmidt (SBN 195969)
8 *schmidt.kent@dorsey.com*
9 600 Anton Boulevard, Suite 200
Costa Mesa, CA 92626
Telephone: 714.800.1400
10 Facsimile: 714.800.1499

11 | *Attorneys for Defendant TikTok, Inc.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ELIZABETH WATERMAN
Plaintiff,
v.
TIKTOK, INC.,
Defendant.

Case No. 2:24-CV-04802-AB-AJR

**DEFENDANT TIKTOK, INC.'S
NOTICE OF RELATED CASE**

[L.R. 83-1.3]

22 Pursuant to Local Rule 83-1.3, Defendant TikTok, Inc. (“TikTok”) hereby
23 provides notice of the following case in the Central District of California that is
24 related to the present case: *Case No. 2:24-CV-04837-FLA-MAR Michael Grecco*
25 *Productions, Inc. v. TikTok Inc.*

Local Rule 83-1.3.1 provides as follows:

1 It shall be the responsibility of the parties to promptly file
2 a Notice of Related Cases whenever two or more civil
cases filed in this District:

- 3 (a) arise from the same or a closely related transaction,
4 happening, or event;
5 (b) call for determination of the same or substantially
related or similar questions of law and fact; or
6 (c) for other reasons would entail substantial duplication
of labor if heard by different judges.

7 L.R. 83-1.3.1; *Karapetyan v. Allstate Northbrook Indem. Co.*, No. 2:24-cv-
8 01019-JLS-AJR, 2024 U.S. Dist. LEXIS 79775, at *1-2 (C.D. Cal. May 1, 2024).
9 “Local Rule 83-1.3.1 is intended to prevent the substantial duplication of labor by
10 multiple judges.” *O'Donnell v. Ford Motor Co.*, No. CV 20-1095-JFW(PVCx), 2021
11 U.S. Dist. LEXIS 91795, at *3 (C.D. Cal. May 12, 2021). It is not up for the parties
12 to decide if cases are “related.” *Id.* Instead, if there is a reasonable possibility that
13 one or more of the elements of L.R. 83-1 is satisfied, the parties shall file a notice so
14 that the Court can then make the decision. *See id.*

15 Here, although the same counsel for both Plaintiffs apparently does not believe
16 these cases are related, *see* Dkt. 2, TikTok’s counsel believes the Court could
17 reasonably conclude otherwise for multiple reasons. Both cases involve the same
18 single defendant, TikTok, represented by Dorsey & Whitney LLP. Both Plaintiffs
19 are represented by the same counsel, Lauren M. Hausman of Copycat Legal PLLC.
20 Additionally, the respective Plaintiffs, Michael Grecco and Elizabeth Waterman, are
21 husband and wife. *See* Shana NYS Dambrot, *MEET PHOTOGRAPHER*
22 *ELIZABETH WATERMAN*, LA Weekly (July 23, 2024),
23 <https://www.laweekly.com/meet-photographer-elizabeth-waterman/>.

24 In terms of the substance of the two cases, there are substantially similar
25 questions of law presented in both. The two cases have identical causes of action for
26 alleged copyright infringement. The Plaintiffs in both cases accuse TikTok of
27 copyright infringement by way of hosting user generated content that allegedly
28 includes copyrighted works of the respective Plaintiffs. Further, both Plaintiffs claim

1 to have sent Digital Millennium Copyright Act takedown notices to TikTok.
2 Discovery topics, particularly those related to alleged copyright infringement and
3 DMCA takedown notices, will be duplicative across the actions. Finally, it is
4 anticipated that the affirmative defense of “fair use” pursuant to 17 U.S.C. § 106 will
5 figure prominently in both cases as identical types of infringement claims are present.

6 Thus, because the Court could reasonably conclude the cases are related,
7 TikTok respectfully submits this notice as required under L.R. 83-1.3.1.

8 Dated: July 23, 2024

9 DORSEY & WHITNEY LLP

10 By: /s/ J. Michael Keyes
11 J. Michael Keyes (SBN 262281)
keyes.mike@dorsey.com
12 Connor J. Hansen (*pro hac vice*)
hansen.connor@dorsey.com
13 Dylan J. Harlow (*pro hac vice*)
harlow.dyaln@dorsey.com
14 Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, WA
15 Telephone: 206.903.8800
Facsimile: 206.903.8820

16
17 DORSEY & WHITNEY LLP
Kent J. Schmidt (SBN 195969)
schmidt.kent@dorsey.com
18 600 Anton Boulevard, Suite 200
Costa Mesa, CA 92626
19 Telephone: 714.800.1400
Facsimile: 714.800.1499

20
21 *Attorneys for Defendant TikTok, Inc.*

22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2024, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record.

/s/ J. Michael Keyes
J. Michael Keyes, SBN 262281